

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

IN RE: GERBER PRODUCTS COMPANY  
HEAVY METALS BABY FOOD  
LITIGATION

Master File No. 1:21-cv-00269 (MSN/JFA)

This Document Relates to ALL Cases

**PLAINTIFFS' MOTION TO COMPEL RESPONSE TO PLAINTIFFS' FIRST  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Plaintiffs, by counsel, respectfully request that the Court grant their Motion to Compel Gerber's Response to Plaintiffs' First Requests for Production of Documents and compel Gerber to conduct a reasonable search, beyond the exclusive use of search terms, to identify documents responsive to Plaintiffs' Requests for Production Nos. 10, 12 and 14 with respect to specific marketing claims, *i.e.* the Gerber Baby, the Developmental Stages, and Heavy Metals—including surveys and studies; internal communications; communications with regulators, federal and state governments, self-regularly organizations, industry or trade organizations, competitors, retailers, third-party advertising agencies, and market research firms, and documents related to whether the specific marketing claims impacted consumer purchasing decisions or perception. And to require Gerber to identify a date for substantial completion. The parties have met and conferred in good faith multiple times via Zoom over the course of the last several weeks, and Gerber has consistently taken the position that it need not engage in searches for responsive documents *beyond* what can

be identified through the use of search terms in relevant Gerber databases. The reasons in support of this Motion are stated in the accompanying Memorandum in Support.

Dated: July 29, 2022

By: /s/ Steven J. Toll

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*Plaintiffs' Interim Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

By: /s/ Steven J. Toll

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